

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JEFFERY BROOKS,

Plaintiff,

v.

VALLEY DAY SCHOOL,

Defendant.

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CIVIL ACTION

NO. 14-5506

ORDER

AND NOW, this 28th day of *May*, 2015, upon consideration of the Motion to Dismiss by Defendant Valley Day School (Docket No. 10) and Plaintiff's Response in Opposition (Docket No. 14), it is hereby **ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. As to the types of damages requested and Plaintiff's jury trial demand in connection with Count One, the Motion is **DENIED WITHOUT PREJUDICE**;
2. As to Plaintiff's FMLA interference claim in Count Two, the Motion is **DENIED**;
3. As to punitive and compensatory damages for pain and suffering/emotional distress in connection with Count Two, the Motion is **GRANTED**.
4. Defendant has twenty (20) days in which to file an Answer to the Second Amended Complaint.

It is so **ORDERED**.

BY THE COURT:

s/ Ronald L. Buckwalter

RONALD L. BUCKWALTER, S.J.